

Regular Meeting of the Sandy Springs City Council was held on Tuesday, November 19, 2013, at 6:00 p.m., Mayor Eva Galambos presiding

INVOCATION

Rabbi Josh Heller, B'Nai Torah, offered the invocation.

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:04 p.m.

ROLL CALL AND GENERAL ANNOUNCEMENTS

City Clerk Michael Casey reminded everyone to silence all electronic devices at this time. Additionally, those wishing to provide public comment during either a Public Hearing or the Public Comment segment of the meeting are required to complete a public comment card. The cards are located at the back counter and need to be turned in to the City Clerk.

City Clerk Casey called the roll.

Mayor: Mayor Eva Galambos present

Councilmembers: Councilmember John Paulson, Councilmember Dianne Fries, Councilmember Chip Collins, Councilmember Gabriel Sterling, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnerny present.

PLEDGE OF ALLEGIANCE

Mayor Eva Galambos led the Pledge of Allegiance

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Regular Meeting agenda for November 19, 2013. Councilmember Paulson seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 13-203)

1. Meeting Minutes:
 - a) November 12, 2013 Regular Meeting
(Michael Casey, City Clerk)

(Agenda Item No. 13-204)

2. Consideration of the Acceptance of Contract Modification to design Capital Improvement Projects CC009 and CC010, Sandy Springs Circle Streetscape Project Phases 1 and 2, subject to Validation and Approval by the Legal and Finance Departments
(Garrin Coleman, Public Works Director)

Resolution No. 2013-11-75

Motion and Vote: Councilmember Sterling moved to approve the Consent Agenda for November 19, 2013. Councilmember Fries seconded the motion. The motion carried unanimously.

PRESENTATIONS

1. Recognition of City Attorney Wendell Willard for his initiation of House Bill 78 – Frank Rotundo from GACP

Frank Rotundo, Executive Director of the Georgia Association of Chiefs of Police, stated the Association provides training and guidance to Police Chiefs who are generally members of the association. During the first three months of the year he is a legislative liaison for the Police Chiefs to the General Assembly. In attendance is Dr. James Bulot, Director of the Department of Human Services. He asked the Director to attend in order to say a few words.

Dr. James Bulot, Director of Department of Human Services, stated on behalf of Commissioner Horton, the Director of the Division of Aging Services, he appreciates Representative Willard and his leadership with HB 78. His office is responsible for adult protective services statewide devoting a lot of attention to combating crimes against vulnerable adults. It is rare that there is such an effective champion in addressing at risk adults, such as Representative Willard, who was instrumental in the leadership on HB 78.

Mr. Rotundo stated Chairman Willard assisted with the Bill that became law at the end the legislative session. The Bill was presented to the State as the Georgia Association of Chiefs of Police and other concerned individuals looked at what is called aging adults as being one of the concerns in society. These individuals are also referred to as at risk adults. The Bill tries to safeguard baby boomers at this point in time and many other future generations. This Bill protects individuals with disabilities in long term care facilities, providing and fostering training, and making mandatory requirements on individuals to inform local law enforcement authorities about abuses. The Bill centers in on a societal problem right now where some nursing and elderly care homes are not providing the best treatment possible. All have been subject to telemarketers, but with aging adults they tend to believe telemarketers more. Many are losing their fortunes and sometimes life savings to unscrupulous people. He could not think of a better way to thank Chairman Willard. He asked Chairman Willard to the front. Chairman Willard is the Chairman of the House Judiciary Committee. The proclamation is being presented to Chairman Willard for outstanding leadership and ability in fostering the passage of legislation of the utmost concern and interest to the citizens of Georgia, as evidence with the passing of HB 78. It is with great pleasure and on behalf of the Association and many other groups, including that State, that he thanked Chairman Willard for his commitment.

City Attorney Wendell Willard thanked Mr. Rotundo.

Mayor Eva Galambos stated this is the third time in the past year the City has had a proclamation recognizing Chairman Willard for the legislation he sponsored and moved forward.

EMERGENCY PROCUREMENT

(Agenda Item No. 13-205)

1. Approval of Contract for Lake Forrest Drive Stabilization Project

Assistant City Manager Bryant Poole stated this item is for consideration of approval for a contract to construct project T-0048, known as the Lake Forrest Drive stabilization project. At the October 15th City Council meeting, Council provided direction to staff to complete a design and put out to bid an emergency construction procurement for a slope stabilization system on the right-of-way. Staff received bids on November 18th for the construction of the slope stabilization system. Some of the proposed work includes the following: site clearing & grading, erosion control and permanent grassing, installing a drainage system to minimize concentrated surface water runoff onto the slope, curb and gutter, guardrail, asphalt milling and resurfacing, and a slope stabilization system (vertical wall and structural catch system). The original bid results were from three bidders. C.W. Matthews Contracting Company

submitted a bid amount of \$1,470,339.60. Schnabel Foundation Company did not furnish a bid and Berkel and Company withdrew their bid. There were no value engineering alternatives provided. Staff proposes three alternatives to be considered by Council. The original scope of work project can be constructed at a cost of \$1,470,339.60. Staff reviewed what other phases of work may be done to consider the goal of providing stabilization to the slope. From one bidder the scope of work was negotiated. In that negotiation with C.W. Matthews a revised bid for that alternative is \$717,689.04. The third alternative for consideration is not funding any project at this time and re-bidding. It is staff's recommendation to award the project to C.W. Matthews Contracting Company to perform the revised scope of work with the alternate design option, and to authorize the City Manager to sign a contract.

Councilmember Dianne Fries asked if the amount of time to complete the project will be shortened, if Council chooses the new alternative of not building the wall.

Assistant City Manager Poole stated he still recommends completing the project by February 28, 2014. He will encourage the contractor to finish sooner, if at all possible.

Councilmember John Paulson stated the new alternative includes less work, so the project should not take as long.

Mayor Eva Galambos asked what is not included in the new alternative.

Councilmember Paulson stated the original wall. The design of the project started this summer. One of the first approaches to this was stabilizing the entire hill internally. There were complications with that. About one month ago the containment or catch system was chosen as the repair choice. The catch system is a two part system with the first part a mesh or netting on the face of the wall and the second part a barrier or retention wall on the road. The new alternative is just the first phase of the previous project design and does not include the wall. The original design of the netting and wall was a belt and suspenders approach to repairing the wall. With the bids being as high as they are and the netting system being evaluated, this is more than sufficient to contain the slope and catch any loose debris.

Mayor Galambos asked if the wall is needed.

Councilmember Paulson stated in his opinion the wall is not needed. This will be a netting system that goes over the face of the wall.

Mayor Galambos asked if the netting system turns green when plants grow in it.

Councilmember Paulson responded yes, there is hydroseeding and the net will be placed on top of the wall. The netting will be anchored into the wall with anchors that will go back about thirteen or fourteen feet. Vegetation will grow from the hydroseeding. This plan should be more than enough to stabilize the wall. From the time staff authorizes the contractor to move forward with the project the contractor will have to make sure the materials are available.

Assistant City Manager Poole stated to get the project started will take up to four weeks. A retaining wall can be installed, if needed, at a later date.

Councilmember Karen Meinzen McEnerny asked if the jersey concrete barriers were removed from the plan.

Assistant City Manager Poole responded yes.

Councilmember Gabriel Sterling stated he knows the City can place the project on the City's right-of-way. He asked if staff has negotiated with the property owners to place the mesh system onto the slope of their land.

Assistant City Manager Poole stated there are two property owners staff is currently discussing that option with.

Councilmember Sterling asked if the mesh system should go further up the slope in order to control more of the slope.

Assistant City Manager Poole responded yes.

Councilmember Paulson asked where the funds for this project will come from.

Assistant City Manager Poole stated the money to fund this project will come from the reserve funds.

City Manager John McDonough stated the recommendation is to take the money for this unbudgeted item from the City's fund balance reserve of \$20 million.

Mayor Galambos stated the fund balance may increase.

City Manager McDonough stated there is also a mid-year budget review in January. He has seen preliminary numbers and it looks like there will be more than enough to replenish the fund balance reserve by putting the \$717,000 back into the fund balance after the first of the year.

Councilmember Tibby DeJulio stated when this project was first discussed, one of the problems was there was nothing to anchor into along the wall. He has seen a mesh wall in the mountains of North Carolina and that mesh is anchored in. He thought the engineer could not find anything to anchor the mesh system to.

Councilmember Paulson stated Councilmember DeJulio is thinking about the original geotechnical discussion of whether the the whole hillside is solid rock or if some of it is soil. There is still competent soil on the wall to anchor the mesh system to. The anchors will be spaced every 7 ½ feet and drilled and grouted into place, and then the meshing is bolted against the anchor. The mesh is bolted into the hillside with 13 ½ foot anchors that tie back into the hill.

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 13-205, Contract for Lake Forrest Drive Stabilization Project Alternative #2. Councilmember DeJulio seconded the motion. The motion carried unanimously.

Assistant City Manager Poole thanked Councilmember Paulson for his engineering expertise and being actively involved with this project. He recognized URS engineer Scott Cable, who is the designer of the project. He also recognized Purchasing Manager Jeff Allen who worked long hours in putting all the paperwork together for the procurement.

PUBLIC HEARINGS

City Clerk Michael Casey read the rules for the Public Hearings segment of the meeting.

Rezoning

(Agenda Item No. 13-206)

1. **201301778** - 611, 641, 661 Mabry Road, *Applicant: Traton Homes, LLC*, to rezone from R-2 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) to allow for a 20 lot subdivision. Councilmember Meinzen McEnery recused herself from this agenda item.

Manager of Planning and Zoning Patrice Dickerson stated this item was deferred from the September City Council meeting back to the Planning Commission. Staff recommends approval conditional and the Planning Commission recommended denial of the request.

Nathan Hendricks, representative of the applicant, stated this application has gone through a series of modifications and amendments. The application started out as R-4 zoning with 22 lots, changed to 20 lots, and now 18 lots. It became apparent from the community comments and the recommendation of staff that 18 lots is not acceptable. The applicant worked with the sellers. Over the weekend the sellers gave accommodations to the applicant. This allowed the applicant to extend the time for the contract as well as for an adjustment in sales price to position the applicant to go back again to make further modification to the application. Given the fact this was agreed upon yesterday, there is no new site plan. The applicant is comfortable in being able to confirm that the interior lots, which were to be R-4A of 9,000 square feet, will be increased to 12,000 square feet. There is hope that the exterior lots could be brought to the R-2 zoning of staff's recommendation. He requested Council defer this matter until the December 17th City Council meeting. At that point in time Council will have a modified and amended site plan.

Mayor Eva Galambos called for public comments in support of the application.

Gerald Kline, 140 Bayvale Court, stated he and his wife have lived in their current home for twenty-six years. Fairfax Condominiums are near his home and have been great neighbors for the last twenty-five years. These condominiums are a highly dense development. At a previous City Council meeting he attended there were complaints of residents in opposition to Traton Homes, thinking the project would be exceedingly dense for this area. When looking at Fairfax Condominiums, the apartment complex at Glenridge and Glenlake Parkway, and the apartments near Spalding Drive, this area is already significantly dense. What is not in this area is new residential development to attract more young families to move to the neighborhood with their dogs, cats, and children to make the area more friendly. There has been previous opposition claiming there would be an impacted cemetery in the area. He does not know what cemetery would be impacted by the proposed construction. There has been talk about detention ponds having rats. This is based more on a fear factor than reality. He heard the usual comments when citizens have the reactionary view that there will be construction noise, traffic impact, and construction that will impact the whole community. That is a small opportunity cost for what the neighborhood will receive in return, which is a developer that has a nice product. Other families could move into these homes or take over homes that are not well maintained. Overall, the opportunity would be an increase in home values.

Mayor Galambos called for public comments in opposition to the application.

Robert Barger, 680 Mabry Road, stated he and his wife have lived in their current home for twenty-eight years. The vote on this item will be a historic vote. Any vote to increase the density of a protected neighborhood would be contrary to the City's Comprehensive Land Use Plan. This development would not only affect his neighborhood, but all neighborhoods in Sandy Springs. He asked that Council adhere to the recommendations of the Planning Commission. If the applicant wants to reapply, they would be able to reapply with a completely separate application and not continue with the current application. In Council's campaign literature they have professed support for the neighborhoods. On page 51 of the agenda package there is a survey from the neighborhood. That survey of 148 members of the Spalding Woods subdivision shows an 80% response rate in which 72% are against greater density than what is currently at the proposed location. Pages 46 and 47 show the applicant's original plan and the City's

proposed plan. The applicant's original plan shows lot sizes that were only 65% of the square footage of the surrounding lots. The City's plan is not much of an improvement. He spoke to Council before about stormwater. The neighborhood has doubts about the detention pit. The City has funded a study with an estimated cost of \$440,000 to deal with stormwater problems. He would prefer not to take the chance that the detention pit may not work. He thanked Council for their service to the City and the continued support of the neighborhoods.

Trisha Thompson, 145 River North Drive, stated she is the Zoning Chairman for the Sandy Springs Council of Neighborhoods. The City's Comprehensive Land Use Plan Chapter 1 Vision and Character area, Citywide vision states, "limited infill development will occur within the City's single family neighborhoods. Redevelopment within single family neighborhoods may take place through tear downs of older small homes and replacement with single family houses at comparable densities provided in the future land use plan map. The land use policies for protected neighborhoods state: The following policies apply to all properties within the boundary of protected neighborhoods. She asked Council to limit infill development in protected neighborhoods to densities that are consistent with the surrounding residential development. She referenced a map from the Comprehensive Land Use Plan that shows that Spalding Woods is a protected neighborhood. The proposed property for the application is in the middle of the protected neighborhood. Both the applicant and staff refer to this as a request to rezone the subject property for a twenty lot subdivision. Much has been made of the transition of townhomes at Fairfax Condominiums. This property in 1972 was newly adjacent to GA 400 and there were threats on this property for it to be zoned O-I apartments. The Fulton County Board of Commissioners protected Spalding Woods by conditioning the front edge of Fairfax Condominiums to R-2 standards with a 200 foot setback. There is no transition to TH, there is transition to R-2 at the full frontage of Glenridge. Fairfax was never built out at the high density. There were 33 acres in the original parcel. This area was down zoned to R-4A single family from townhomes. Whispering Pines, Mount Vernon Woods, Glenridge Hammond, Cherokee Park, and High Point Civic Association are all going through a resurgence of older homes being replaced in all the districts throughout the City. She asked Council to deny the application of an intrusive subdivision into the heart of a protected neighborhood.

Tochie Blad, 7320 Hunters Branch Drive, stated the neighbors have seen the replacing of obsolete housing. The neighborhoods are aging and the older ranch homes are being replaced. This is an economic opportunity that brings in families and revitalizes the area. To have a subdivision within a subdivision is not helpful. This is precedent setting for all neighborhoods. She asked that Council deny this application.

Bill Gannon, 505 Taunton Way, stated he was going to represent the High Point Civic Association on this item. On behalf of the Association he attended the commissioners meeting and a vote was taken on the proposal of 18 homes and the conflicting zoning. Based on their discussions, the Association is for denial of the application. The Association does not like the term transition applied between two residential neighborhoods. Developers believe the City's Comprehensive Land Use Plan allows 13,000 square foot lots next to two acres. He does not understand how this can happen. The concept of transition and the intent of the Comprehensive Plan was more for areas off of Roswell Road.

Ebel Reyes, 215 Brackenwood Circle, stated he and his wife have lived in their current home for twenty years. They decided to stay in the neighborhood ten years ago, because of the character and the acreage. The neighborhood has 1.53 homes per acre. The application represents double that at 2.7 homes per acre. He asked that Council help protect Spalding Woods.

Mr. Hendricks stated from a zoning and land use plan perspective, two issues are the protected neighborhoods issue and the Comprehensive Land Use Plan recommendation of a level of density at 2 to 3 units to the acre. This application with 20 lots was at the top of the level of density. The modification and amendment clearly need to be made to the application. That was the understanding that the applicant

had and that is why the applicant has worked diligently with the owners of the property to try and come to some level of business platform to allow the application to move forward with the business deal. He thanked Mr. Kline for the comments he made. The applicant is a well-recognized developer. Their product is in the upper \$600,00 to \$700,000 price range. The heated floor areas would be roughly 3,600 to 4,400 square feet. If this item is deferred to the December meeting and an agreement has not been reached, then Traton Homes will no longer be proceeding with the application. The community will be well served if a 30 day deferral is approved. If Council does not defer this item he asked that Council deny the application. Traton Homes will not be able to build homes there at some unknown level of zoning. He requested deferral to the December City Council meeting.

Mayor Galambos closed the public hearing.

Motion and Second: Councilmember Sterling moved to deny Agenda Item No. 13-206, 201301778 - 611, 641, 661 Mabry Road, *Applicant: Traton Homes. LLC*, to rezone from R-2 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) to allow for a 20 lot subdivision. Councilmember DeJulio seconded the motion.

Councilmember Gabriel Sterling stated the neighbors are being put through the wringer on this application by attending several meetings. Fourteen homes for the application is too high, per the neighbors. They would prefer to see nothing built there, or six to eight homes. Older homes are in this location that need to be renovated. The stormwater issues are bad now until someone comes and redevelops these homes. Fifty-five percent would deal with having thirteen homes or fewer for the plan. Nine percent of the neighbors want eighteen homes and forty-six percent prefer thirteen homes. He would rather have more of a consensus from what the neighbors want. It is difficult trying to come to an agreement. We all want more single family houses, but putting this much density in the center of an existing neighborhood while the CUP states 18,000 makes the decision difficult. Putting that much housing on that small of an acreage does change the character of the area. There needs to be good infill and the City does not want to lose Traton Homes as the developer, because they are a quality builder. The seller should have paid close attention to what the neighbors were saying. He does not want to defer this item for another 30 days and then Traton Homes comes back requesting 16 homes and that gets turned down by Council; or even 14. He does not think the parties can come to a conclusion that will be beneficial for everyone.

Councilmember John Paulson stated he thinks 18 and 16 are too high and 14 houses is a lot. He is in favor of deferral for 30 days in order to give everyone more time. These are old homes on large lots. Some form of revitalization will eventually come to this area. Council is voting on a plan that is not even before Council this evening, due to the plan being updated.

Councilmember Chip Collins stated we all agree this land will be redeveloped at some point. The pain of the neighbors is not over. If this application does not proceed forward another developer will come to the City and the neighbors will endure the application process all over again. The best course is to see how far this application can go. He supports a substitute motion to defer this item.

Substitute Motion and Second: Councilmember Collins moved to defer Agenda Item No. 13-206, 201301778 - 611, 641, 661 Mabry Road, *Applicant: Traton Homes. LLC*, to rezone from R-2 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) to allow for a 20 lot subdivision, to the December 17, 2013 City Council meeting. Councilmember Paulson seconded the motion.

Councilmember Tibby DeJulio stated he has mixed emotions on this application. He set the record straight that the City does not have protected neighborhoods. Sandy Springs is protected in its entirety. One of the reasons the City incorporated was to protect Sandy Springs. He has looked at transition as a step between different types of zonings such as residential and commercial, and commercial to industrial. The 18,000 square foot lots down to 9,000 square feet does not seem like transition. Two to three weeks ago Communications Director Sharon Kraun emailed staff about a magazine article that states Sandy

Springs is one the places in America to retire. Sandy Springs will not be one of the best cities to retire to if the City lets the houses go. We are encouraging people to let their houses go. If you let your house go and it turns into a slum, Council will approve the removal of the home in order to build six houses to replace it. Sandy Springs does not want that message to get around. There are people that do not want to have large lots. The City should not penalize these people, but we do not want to reward people by having a bidding contest regarding how many homes can go onto a lot. He supports the deferral to see if an agreement can be reached. He met with an individual looking to do the same thing. He told the person he does not care what he does, but make sure the neighbors are on board in order to work together.

Councilmember Sterling stated if the motion for deferral is approved, the density needs to be lower.

Vote on the Substitute Motion: The motion carried 4-1, with Councilmember Sterling voting in opposition.

(Agenda Item No. 13-207)

2. **201301810** - 4920 High Point Road, *Applicant: Jeffrey C. Spillane*, to rezone the subject properties from R-2 (Single Family Dwelling District) to R-2A (Single Family Dwelling District), to allow for the construction of two (2) single family homes

Manager of Planning and Zoning Patrice Dickerson stated this item was deferred from the September City Council meeting and sent back to the Planning Commission. Staff is recommending withdrawal based on a request from the applicant and the Planning Commission recommended denial.

Nathan Hendricks, representative of the applicant, stated the applicant came to Mr. Hendricks stating he does not know where to go with the application. In going through the file, it is in disarray in not even knowing how much acreage Mr. Spillane has. Mr. Spillane needs to obtain a survey to know the exact amount of acreage for the property. He can then look at what the City's Comprehensive Land Use Plan calls for and what he can do to be with in the reasonable bounds of the development scheme on that side of the road. Once that is done, there should be engagement with the neighbors and then he can refile the application. Currently the best thing Mr. Spillane can do is withdraw the application and do the suggested.

Mr. Spillane, 379 Scared Heart Way, stated he has done an outstanding job of making a mess of this application. What he is requesting is reasonable, but he has not been able to make this happen. He would like to start the process over from the beginning. He will hire a surveyor, obtain engineering studies, and know what it takes to get the sewer installed for two lots. He will also go to his neighbor, John James, and get his permission to move forward, and speak to Colonial Pipeline regarding the pipes. During the process he will reach out to his neighbors. He will meet with the neighbors and High Point Civic Association. Two homes constructed on an 1 ½ acre property is more land than all his neighbors have. The home prices are going to be lowered so families with children can afford to live there while revitalizing the community. He is worried about a denial precedence, because the first thing that staff will bring up is the denial by Council. He will be very cautious on the details of this application when he comes before Council again.

Mayor Galambos called for public comments in support of the application. There were no public comments. Mayor Galambos called for public comments in opposition to the application.

Wallace Evans, 555 Forest Valley Road, stated he is speaking on behalf of eleven property owners who are in the vicinity of 4920 High Point Road. Previously, Brian Wilson spoke before Council and is out of town today. Mr. Wilson attended all of the other meetings such as the Planning Commission and several City Council meetings. At the last City Council meeting it was requested that the Planning Commission look at how many properties are along High Point Road on the west side that are zoned R-2. All of the properties are zoned R-2 from Franklin Road to the High Point school. There was a question on how

many of those properties are one acre and above and how many are below one acre. This information was researched out of twenty-four properties eighteen are 1 acre or more and six properties are less than one acre. The six that are less than 1 acre are between .93 and .98 acres. If those properties are rounded up to one acre, there are twenty properties that are one acre or more and four properties less than one acre. All the properties from Franklin Road to High Point Road are zoned R-2 and substantially all of the properties are one acre. There were misrepresentations regarding this property from Mr. Spillane and he has occupied Council's, the Planning Commission's, and others time. This application should be denied. A letter from Mr. Spillane's lawyer states any rezoning on the subject property, subject to conditions that are different from the conditions requested by the applicant, to the extent such different conditions would have the effect of further restricting applicant's utilization of the subject property and would also constitute an arbitrary capricious and discriminatory act. Zoning the property to an unconstitutional classification would likewise violate each of the provisions of the State and Federal constitutions set forth.

Bill Gannon, 505 Taunton Way, stated he represents the High Point Civic Association, which supports the denial of this application. This item is not a complicated zoning. Somewhere during the process 1.98 acres was reduced 1.57 acres. Many of the neighbors are tired of this application process, but do want the property developed. He does not see how two lots can be at this location and be contrary to the zoning of R-2. At one point Council came close to passing the 1.98 acres. Even if it was passed based on false pretenses, it still would be a binding zoning, unless the vote was reversed before the next Council meeting. There has never been a case where the City zoned something with incorrect information.

Mr. Hendricks stated the property is the family home of the applicant. Mr. Spillane is trying to exit the property within the bounds of what is permissible by the plan and not be disruptive to the neighboring community. For that purpose, Mr. Spillane needs to find out the exact acreage of the property before he does anything. He requested Council allow the withdrawal of the application.

Mayor Galambos closed the public hearing.

Motion and Second: Councilmember Fries moved to approve the withdrawal of Agenda Item No. 13-207, 201301810 - 4920 High Point Road, *Applicant: Jeffrey C. Spillane*, to rezone the subject property from R-2 (Single Family Dwelling District) to R-2A (Single Family Dwelling District), to allow for the construction of two (2) single family homes. Councilmember Paulson seconded the motion.

Councilmember Dianne Fries stated she heard several comments that residents want this area developed. Mr. Spillane owns the property and hears what the residents want and is willing to bring something to Council next year that is agreeable.

Substitute Motion and Second: Councilmember Meinzen McEnerny moved to deny Agenda Item No. 13-207, 201301810 - 4920 High Point Road, *Applicant: Jeffrey C. Spillane*, to rezone the subject property from R-2 (Single Family Dwelling District) to R-2A (Single Family Dwelling District), to allow for the construction of two (2) single family homes. Councilmember Collins seconded the motion.

Councilmember Karen Meinzen McEnerny stated she appreciates Mr. Spillane's pleasantness. The facts are not in dispute. Out of all of the applications for zoning that she has seen in the last eight years, this one was fraught with the most errors. Numerous times the neighborhoods have come together to oppose this application. She supports the High Point Civic Association and the public. This property is not 2 acres to be subdivided. She recommends a denial in order to protect the neighborhood.

Councilmember Chip Collins stated he appreciates the candor of the applicant. When it was just the applicant's neighbor who was removed from the application, he was pushing for denial of the application, so that the neighbor could not submit an application to put the neighbors through this process again. This

may be the seventh or eighth meeting the neighborhood residents have attended for this application. The only right thing to do is to deny this application.

Councilmember Gabriel Sterling asked if this item is denied, how soon will Mr. Spillane submit a new application.

Mr. Spillane stated he will need time to do this research. He is comfortable with waiting one year to submit a new application. He does not want to set a precedence where staff states the last action taken on this property was a denial. A denial will be put in the mindset of everyone that his is not a reasonable request. He is comfortable with Council putting a condition on the application stating that he will wait 12 months to resubmit a new application.

Councilmember Collins asked if a condition can be placed on a withdrawal.

City Attorney Wendell Willard responded no.

Councilmember Tibby DeJulio stated when he and Mr. Spillane spoke a week ago regarding the application, Mr. Spillane stated he will wait one year to submit a new application. We need to be aware of what the neighbors and civic association have been through with this application. The other piece of property Mr. Spillane sold was developed into a very lovely one acre lot. He supports the denial of this application.

Councilmember Fries stated if Council denies the application the applicant cannot bring this item before Council again for one year.

Director of Community Development Angela Parker stated action on an application, if denied, cannot occur within one year. Mr. Spillane can actually file an application, but it will not go before Council until one year later.

Vote on the Substitute Motion: The motion carried 4-2, with Councilmembers Fries and Paulson voting in opposition.

(Agenda Item No. 13-208)

3. **201302537** - 195 Chaseland Road, *Applicant: Chaseland Associates, LLC*, to rezone from O-I (Office and Institutional District) to O-I (Office and Institutional District) to construct a 625 square foot detached garage in the rear of the property

Manager of Planning and Zoning Patrice Dickerson stated this item was requested to allow an addition to the property for a detached accessory structure. The case was reviewed by the Design Review Board which recommend denial. Staff and the Planning Commission are recommending deferral to allow the applicant to provide additional information.

Gary Unell, 195 Chaseland Road, stated he accepts the Planning Commission recommendation for deferral for 60 days. He has been working with Trisha Thompson and Bill Cleveland in hopes of a resolution.

Mayor Eva Galambos called for public comments in support of the application. There were no public comments. Mayor Galambos called for public comments in opposition to the application.

Trisha Thompson, 145 River North Drive, stated she is the Zoning Chairman of the Sandy Springs Council of Neighborhoods. There is opposition to this application by the Whispering Pines neighborhood. She hopes that Council will agree to the request to defer this item.

Mayor Galambos closed the public hearing.

Motion and Vote: Councilmember Sterling moved to defer Agenda Item No. 13-208, 201302537 - 195 Chaseland Road, *Applicant: Chaseland Associates, LLC*, to rezone from O-I (Office and Institutional District) to O-I (Office and Institutional District) to construct a 625 square foot detached garage in the rear of the property, to the January 21, 2014, City Council meeting. Councilmember Collins seconded the motion. The motion carried unanimously.

Use Permit

(Agenda Item No. 13-209)

4. **201302561** - 5855 Riverside Drive, *Applicant: Tabula Rasa*, to increase the number of students from 70 to 150 and to allow a 10,000 square foot addition to the existing church

Manager of Planning and Zoning Patrice Dickerson stated prior to the Planning Commission hearing the City received a letter from the Diocese for the Presbyterian Church indicating that the church will be closing and potentially selling the property to the applicant. This information is still being researched by the applicant. At this time staff and the Planning Commission are recommending deferral for sixty days.

Nathan Hendricks, representative of the applicant, stated the applicant is trying to work through the purchase of the property after the closure of the church. This will more than likely occur after the first of the year. The purchase of the property will be contingent upon the application being approved to allow the applicant the entitlement under this application. He suggested Council recommend this application go back to the Planning Commission in February, 2014 and then come back before Council in March, 2014. That will provide a reasonable period of time for the applicant to have discussions with whoever is the owner of the property to negotiate the purchase of the property.

Councilmember John Paulson stated the deferral being requested is for 120 days.

Mayor Eva Galambos called for public comments in support of the application. There were no public comments. Mayor Galambos called for public comments in opposition to the application.

Trisha Thompson, 145 River North Drive, stated she is the Zoning Chairman for the Sandy Springs Council of Neighborhoods. She is not necessarily speaking in opposition to this item. In the last application from Tabula Rasa that came before staff Ellen Smith was the attorney for the applicant and the school was linked to the church. The establishment became a church school to service the church children along with others. She asked if the church goes away, what will happen to the church school. This is something Council should discuss and that should be addressed through the City legal department.

Mayor Galambos closed the public hearing.

Councilmember Karen Meinzen McEnerny stated as a legal point only the current owner of a property, either directly or through a letter, can authorize another entity if the owner of the property is changing.

City Attorney Wendell Willard stated he assumes this application has been approved by the property owner.

Councilmember Meinzen McEnerny asked who requested deferral of this item.

Manager of Planning and Zoning Dickerson stated the church did not request the deferral. The church brought up the fact that the church will be closing and a potential sale could take place. The applicant requested deferral.

City Attorney Willard stated the applicant has the right to ask for a deferral. This item cannot be deferred back to the Planning Commission to hold it for consideration. Council can defer this item to the second

meeting in January at which time Council can take further action and then refer it back to the Planning Commission for further consideration. The Planning Commission is under the obligation to receive applications, make a decision, and then pass the recommendation on to Council.

Councilmember Dianne Fries asked if the school requested rezoning of the property at a previous City Council meeting and it was approved to serve the church, would this be a matter of a use permit.

Manager of Planning and Zoning Dickerson stated the school did not just serve the church. The school was open to the public as well.

Councilmember Fries requested to defer this item to the Planning Commission meeting on February 20, 2014, and then the item would come back to Council on March 18, 2014.

City Attorney Willard stated this cannot be done. The Planning Commission has to act on applications within a certain time frame. The item requires action and if there is none, it automatically is passed through to Council. He suggested that Council defer any further action on the application to the second meeting in January 2014, at which time Council can then take action to have the item back before the Planning Commission for review and consideration. The item would then come back to Council in March.

Motion and Second: Councilmember DeJulio moved to defer Agenda Item No. 13-209, 201302561 - 5855 Riverside Drive, *Applicant: Tabula Rasa*, to increase the number of students from 70 to 150 and to allow a 10,000 square foot addition to the existing church, to the January 21, 2014, City Council meeting. Councilmember Meinzen McEnery seconded the motion.

Councilmember Gabriel Sterling asked if those are the correct dates to defer the item to.

City Attorney Willard responded yes.

Vote on the Motion: The motion carried unanimously.

Zoning Modification

(Agenda Item No. 13-210)

5. **201302856** - 7365 Talbot Colony, *Applicant: Rafael Celedon*, to modify condition 9 of Z79-0008 to reduce the required buffer from twenty-five (25) feet to zero (0) feet to allow an existing shed to remain and to allow for construction of a tree house and to reduce the required buffer from twenty-five (25) feet to twenty (20) feet to allow for construction of a sunroom

Manager of Planning and Zoning Patrice Dickerson stated this item is a request to modify the conditions of a 1979 zoning case to allow accessory structures in a buffer area adjacent to GA 400. Staff is recommending approval conditional of the request.

Rafael Celedon, 7365 Talbot Colony, stated in 1979 when the zoning modification was given to Talbot Colony to change from R-2 to R-4 zoning one condition was that the average lot size had to be around 12,000 square feet. Another condition is a buffer of twenty-five feet from the existing GA 400 buffer to the backyard of the properties. Most of the lots that are built on are not close to 12,000 square feet. Fulton County allowed about 75% of the twenty-five houses to be built on lots around 9,000 square feet. Most of the lots are not meeting the R-4 zoning requirement. As a result of that, the size of the backyard was reduced by thirty-seven feet. The initial plan was to have thirty-seven feet of backyard and then twenty-five feet for a buffer. In reality, there is eight feet of backyard and then twenty-five of a natural undisturbed buffer. Almost every resident in the neighborhood has not obeyed the mandate of keeping a

buffer. Many of the buffer areas are being used for fire pits and concrete water fountains. This condition is putting an undue hardship on his family and children to allow them to enjoy their backyard. His neighbors are fine with the construction of the treehouse in his backyard. The treehouse is for his two children that are nine and eleven years old. He requested Council approve this application to allow use of the buffer area. A portion of the deck will be barely touching one foot inside the buffer.

Mayor Eva Galambos called for public comments in support of the application. There were no public comments. Mayor Galambos called for public comments in opposition to the application.

Cynthia Wilkins, 7375 Talbot Colony, stated she resides next door to Mr. Celedon and has been a resident of the community for thirteen years. She does not oppose Mr. Celedon's request to build inside the natural buffer zone, but the proposed treehouse and sunroom would cause the character and attractiveness of his property to vastly change. The current frame structure of the treehouse is 12 X 12 feet. Per the City zoning regulations, the structure should only be 12 X 10 feet, or a total of 120 square feet in area, with a height restriction of fifteen feet. The current height of the treehouse is about sixteen feet. She requested that the application be modified to only allow the treehouse to have a total area of 120 square feet and a height of fifteen feet. If this application is approved, she requested it be required that a natural landscape hedge be installed for privacy reasons. She gave the City Clerk photographs of Mr. Celedon's backyard for the record. This would allow the structures to not be seen from her backyard. She is friends with the Celedons, but feels the proposed plan is not in keeping with the neighborhood and will change the character of the yard. She did sign a no objection letter, but then spoke to two realtors who stated the structures will impact the value of the home and surrounding homes. There is also an amateur radio tower in Mr. Celedon's backyard that was approved by the City. She referenced a photograph that shows the HAM radio tower.

Councilmember Dianne Fries asked if Ms. Wilkins took the photographs with her camera.

Ms. Wilkins responded yes. The photographs were taken a couple of months ago while she was standing on ground level in her backyard.

Davey Serrano, 7390 Talbot Colony, stated he is the President of the Talbot Colony Homeowners Association. He is not opposed to the application, but is instead just making comments. He thanked the applicant for coming to the City to proceed with the proper process. A treehouse has changed in concept substantially from when he was younger. This treehouse has a concrete slab of 12 X 12 feet and is approaching nearly eighteen feet tall and still does not have a roof. The neighbors are not opposed to the tree house, but instead have a different concept of what a treehouse should look like. He requested if the treehouse is going to be that high, that Mr. Celedon install privacy fencing or a natural barrier of trees to avoid the treehouse overlooking into Ms. Wilkins property.

Mayor Galambos asked how tall will the trees need to be in order to accomplish this.

Mr. Serrano stated at the time of installing the trees they would need to be eight feet tall, and suggested Leyland Cypress trees.

Councilmember Karen Meinzen McEnerny asked if the structure is a treehouse.

Mr. Serrano stated the structure was given the name of a treehouse, but there are no trees in Mr. Celedon's backyard.

Councilmember Fries asked if there is a house on the other side of Mr. Celedon.

Mr. Serrano answered there is a house located next to Mr. Celedon's property.

Councilmember Fries stated Council has only heard from one neighbor and asked if the other neighbor is fine with the structure. When nearby residents heard the term treehouse they were not concerned. Once you view the treehouse, it is a bit overwhelming. Residents are not opposed to the structure being brought to the fence line. Mr. Celedon has a smaller lot than the other residents. If one is inside Ms. Wilkins home standing in the dining room looking into Mr. Celedon's yard, the structure appears large.

Councilmember Meinzen McEnerny asked if the homeowners association supports Ms. Wilkins conditions, which are to keep the structure at 120 square feet, no higher than fifteen feet, and there be screening on both sides of the fence.

Mr. Serrano stated that would be in compliance with the existing City regulations, yes.

Gary Farley, 7380 Talbot Colony, stated he lives a few houses away from Mr. Celedon. The community is a thirty home subdivision. He believes everyone in the neighborhood would like to work towards accomplishing what Mr. Celedon is requesting. He would like to see this item deferred for sixty days, so the neighbors can meet and agree on structure size and the best trees for screening.

Mr. Celedon stated there is no concrete slab for the foundation of the structure. None of his neighbors spoke to him regarding any of the issues being discussed today. When he spoke to Ms. Wilkins she agreed to sign the petition and had no issues then. He already offered to install Leyland Cypress trees for a barrier. The application states the treehouse will be fifteen feet high. All items that are being requested by the neighbors are already included in the application, except for the trees. He does not understand the issue. Mr. Austin, his other neighbor, has no issues regarding the treehouse.

Councilmember Tibby DeJulio stated from viewing the photographs it looks like the treehouse is already under construction.

Mr. Celedon stated he already began construction due to his lack of knowledge on City codes in obtaining a permit. He now knows more about the City's permitting process. He constructed the treehouse himself as a gift to his children.

Councilmember DeJulio asked if the homeowners association has any covenants regarding treehouses.

Mr. Serrano responded no.

Mr. Celedon stated the homeowners association is not a binding association and does not have covenants.

Mayor Galambos closed the public hearing.

Motion and Second: Councilmember Meinzen McEnerny moved to defer Agenda Item No. 13-210, 201302856 - 7365 Talbot Colony, *Applicant: Rafael Celedon*, to modify condition 9 of Z79-0008 to reduce the required buffer from twenty-five (25) feet to zero (0) feet to allow an existing shed to remain and to allow for construction of a tree house and to reduce the required buffer from twenty-five (25) feet to twenty (20) feet to allow for construction of a sunroom, for sixty days. Councilmember Fries seconded the motion.

Councilmember Sterling stated he does not see why this item cannot be deferred to December 3rd.

City Attorney Wendell Willard stated all public hearings are heard at the second meeting of the month.

Councilmember Sterling stated zoning cases have been moved to the first meeting of the month in the past.

Mayor Galambos stated the community asked for a sixty day deferral.

Councilmember Sterling stated he will agree to a thirty day deferral. He would like the neighbors to sit down and discuss this item in order to come to an agreement.

Mr. Serrano stated he has no objection to Mr. Celedon's application. Because permitting was not requested from the beginning the neighbors are glad that Mr. Celedon went through the appropriate process. The homeowners association is not objecting to the approval of this application. If Mr. Celedon has already agreed with Ms. Wilkins and he plants the cypress trees, the homeowners association is fine with this.

Councilmember Sterling asked Ms. Wilkins if the treehouse is fifteen feet in height and cypress trees are planted, would she agree with this request.

Ms. Wilkins stated she would prefer this item deferred for thirty days, because she is concerned about the overall size of the treehouse.

Mr. Celedon stated he does not agree to a thirty day deferral.

Councilmember DeJulio asked if the City has regulations for a treehouse.

Manager of Planning and Zoning Dickerson stated there are not regulations in the City code regarding treehouses, they are referred to as play structures. The play structure is to be a maximum of fifteen feet in height and ten feet from the property line. No permit is required if the structure is less than 120 square feet.

Councilmember DeJulio stated if the treehouse can be 120 square feet in size and ten feet off the property line, then no permit is required.

Mr. Celedon stated the only area where he can place the treehouse that is ten feet from the property line is in front of Ms. Wilkins kitchen window. The treehouse could be moved to that location. The current location of the treehouse is forty-five feet away from Ms. Wilkins property.

Councilmember Chip Collins stated this item is not worthy of deferral for thirty or sixty days. It sounds like everyone would like the children to have a playhouse, but the neighbor does not want to see it. Right now she can see the shed from her property. If Mr. Celedon plants sufficient trees to shield the shed, treehouse, and everything else from both sides, he does not see why anyone would complain. He is more offended by the HAM radio tower than the other structures.

Mr. Celedon stated HAM radio towers are Federally protected. He is fully licensed by the FCC and has been a HAM radio operator for thirty years and this is his hobby.

Councilmember Collins asked if the structure will include a roof.

Mr. Celedon responded yes. The roof will be shingles similar to a regular home with decorations to look like an Irish home. The average of the roof height will be fifteen feet and the peak will be about sixteen feet in height.

Substitute Motion and Second: Councilmember Collins moved to approve Agenda Item No. 13-210, 201302856 - 7365 Talbot Colony, *Applicant: Rafael Celedon*, to modify condition 9 of Z79-0008 to reduce the required buffer from twenty-five (25) feet to zero (0) feet to allow an existing shed to remain and to allow for construction of a tree house and to reduce the required buffer from twenty-five (25) feet to twenty (20) feet to allow for construction of a sunroom, with the following conditions: for the treehouse a maximum area of 144 square feet with a maximum roof height of 16 feet; and around the structures sufficient screening of the shed and treehouse from both sides, to the satisfaction of the City

arborist, with plantings no less than 10 feet tall at time of planting, and staff conditions. Councilmember Paulson seconded the motion.

Staff Conditions:

1. To the petitioner's original Letter of Intent received by the Zoning Department on February 5, 1979, signed by Richard B. Goodsell.
2. To the petitioner's addendum to original Letter of Intent received by the Zoning Department on March 8, 1979, signed by Rene Childress.
3. To the petitioner's agreement to a minimum house size of 2,000 square feet (heated area) for a one story structure and 2,200 square feet (heated area) for a two story structure and an average lot size of 12,000 square feet.
4. To the petitioner's conceptual plan labeled Preliminary Plat Drummond Point received by the Zoning Department March 8, 1979; and to the petitioner's agreement to submit to the Director of ~~Planning~~ **Community Development Department** for his approval. Prior to the approval of a grading plan, a revised plat incorporating the stipulations of these conditions of approval. It should be noted that the approval of the conceptual plan, which indicates 29 lots, does not negate the requirement for the applicant to submit for subdivision review under the ~~Subdivision Development~~ Regulation of ~~Fulton~~ **the City of Sandy Springs** nor does it guarantee the applicant 29 lots on subject property.
5. To the petitioner's agreement to submit to the Director of ~~Planning~~ **Community Development** for his approval, prior to any defoliation or alteration of this site, a grading plan and such other engineering documents as may be required by the Department of Public Works including a hydrological study to be submitted prior to grading, soil sedimentation and erosion controls while the project is under development, and provisions for water retention, and the method of continuing maintenance of these facilities if required.
6. To the petitioner's agreement to allow the Fulton County Archeologist the opportunity to survey the property for possible historical remains.
7. To the petitioner's agreement that the exterior of all concrete blocks will be coated with an architectural solution that may be approved by the Director of ~~Planning~~ **Community Development**.
8. To the petitioner's agreement to pay all necessary tap-on fees, front footage assessment, and prorated share cost of sewage extensions as determined by the ~~Fulton County~~ City of Sandy Springs Public Works Department.
9. To the petitioner's agreement to provide a 25 foot natural buffer, replanted where sparsely vegetated, along the right-of-way for the Turner McDonald Parkway (GA 400). This 25 foot buffer should be indicated on the Final Recorded Plat as well as made of deed restrictions for the lots which abut the Tuner McDonald Parkway.
 - a. Except property located at 7365 Talbot Colony shall be reduced from a twenty-five (25) foot natural buffer to zero (0) to allow a tree house, existing shed and a sunroom, as shown on the site plan dated September 2, 2013, where necessary, to accommodate the portion of the encroachment(s) only.

10. To reduce the twenty-five (25) foot rear setback to zero (0) for the tree house, two (2) feet for the existing shed and twenty (20) feet for the sunroom, as shown on the site plan dated September 2, 2013, where necessary, to accommodate the portion of the encroachment(s) only. (CV201302856).

11. Accessory structure (tree house) shall be a maximum of 144 square feet and no greater than 16 feet in height at the highest point of the roof.

12. A row of evergreen trees planted at a minimum of ten (10) feet in height shall be installed to screen the accessory structures (tree house), subject to the Sandy Springs Arborist approval.

Mr. Celedon stated trees of this size can be costly.

Councilmember Collins asked if there is room between the shed and the fence and if that is where the trees will be planted.

Mr. Celedon stated the shed has been in the current location since before the inception of the City of Sandy Springs.

Vote on the Substitute Motion: The motion carried unanimously.
Ordinance No. 2013-11-21

UNFINISHED BUSINESS

(Agenda Item No. 13-211)

1. Donation of Land Located at 445 Abernathy Road

City Attorney Wendell Willard stated this item was deferred from the last City Council meeting. One question Council had was the seeking of permission from the owners of the properties for use of a parking area, since this property may become a trail and recreation park area. The actual ownership of the property is not with the veterinary clinic. The clinic is a national organization which bundled up their properties and sold the properties to a real estate investment trust. It will take City staff time to find out if there is a way to work out shared parking with the actual property owner. The property is a gift to the City at no cost. He would like to have staff continue pursuing the permission for parking.

Mayor Eva Galambos asked if Council should postpone accepting the donation of the property.

City Attorney Willard responded no.

Councilmember Sterling stated the neighborhood is under the impression the property has a conservation use easement, which it does not. He wants to make sure that once the City accepts the property it will always be kept as a forested area in a permanent conservation use easement. The City needs to find a third party in order to have conservation use easement.

City Attorney Willard suggested using the Sandy Springs Conservancy.

Councilmember Karen Meinen McEnerny stated the Conservancy does not hold conservation easements.

Councilmember Sterling stated the City cannot hold its own conservation use easement. There may be another 501 3(c) that exists in the City that can hold the easement.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 13-211, Donation of Land Located at 445 Abernathy Road, with the inclusion of direction of staff to pursue a conservation use easement for the property. Councilmember Paulson seconded the motion.

Councilmember Chip Collins asked if there is any cost associated with maintaining the property.

City Manager John McDonough stated there will be some cost, but it will be less than Big Trees.

Vote on the Motion: The motion carried unanimously.

NEW BUSINESS

(Agenda Item No. 13-212)

1. A Resolution to Adopt the City of Sandy Springs 2014 Planning and Zoning Schedules

Manager of Planning and Zoning Patrice Dickerson stated this is the annual adoption of the rezoning, use permit, variance, and zoning modification schedules for 2014.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 13-212, a Resolution to Adopt the City of Sandy Springs 2014 Planning and Zoning Schedules. Councilmember Paulson seconded the motion. The motion carried unanimously.

Resolution No. 2013-11-76

(Agenda Item No. 13-213)

2. Recommendation for RFP CC-FY14-01, Call Center Services for the City of Sandy Springs

City Manager John McDonough stated on August 12, 2013, the City issued a request for proposal (RFP) for call center services for a firm to deliver services to the City citizens and key stakeholders. On September 23, 2013, the City received six proposals in response to the RFP from the following companies: Calls Plus, CH2M HILL, Computer Data Services, Enco Utilities Services, Etech Global Services, and Faneuil. The proposals were initially examined for administrative compliance to the RFP and no administrative issues were noted from the six submittals. An evaluation committee was established that included a capabilities and approach panel that consisted of Assistant City Manager Eden Freeman, Community Relations Manager Dan Coffey, and Executive Assistant Raquel Gonzalez. There was also a performance confidence panel that included Staff Attorney Kathy Williams and Purchasing Manager Jeff Allen. There was a cost price panel that included Finance Director Karen Ellis and Accounting Manager D'Wayne Hulbert. They reviewed the proposals from the various offerors and the evaluation committee conducted formal interviews to provide the selected offerors the opportunity to make formal presentations of their proposals. The evaluation panels completed their independent evaluations of the proposals and reported their findings on October 29th. The evaluation committee determined that two of the submitted proposals had a reasonable expectation of receiving an award and were moved forward for further consideration. On November 4th, following determination of the competitive range, the evaluation committee sent letters to the two offerors requesting clarification of certain portions of their proposals and inviting them to meet with representatives of the evaluation committee for formal interviews on Friday, November 8th. As typical with other procurements of general government services, the City identified the most important requirements which included accountability, responsiveness, transparency, continuity, and capability. Using these requirements as a guide, the three evaluation panels completed the evaluations and reported their findings on Friday, November 8th. This information is included in the agenda package. On page four of the memo there is a table which provides an overview of the offerors, the acceptability, performance confidence, a six month cost, a one year cost, phase in costs, percent of burden, and an annual escalator. The summary and recommendation of the panel is to award Faneuil a contract to provide call center services for the City and execute the base six month task order authorizing Faneuil to perform the call center services. The reason for the six months is

the contract would be effective in January 2014 and end June 30, ²⁰¹⁴, when the City will be in a position to consider the issuance of a task order proposal for a one year period which would match with the City's fiscal year. The other recommendation is to award CH2M HILL a contract to provide call center services for the City and thereby establish the firms eligibility to compete for future task order awards under the terms of the contract.

Mayor Eva Galambos asked what the recommendation is.

City Manager McDonough stated the recommendation is to award Faneuil a contract to provide call center services and to execute a base six month task order authorizing them to perform those services and also to award CH2M HILL a contract to provide the call center services, thereby establishing their eligibility to compete for future task order awards under the terms for the contract.

Councilmember Dianne Fries asked if Faneuil will outsource the phone calls or will they be answered in Sandy Springs.

City Manager McDonough stated it is his understanding, based on the proposals, this company will provide services out of the City of Orlando, FL; and CH2M HILL from their proposal would provide call center services remotely or from their center in Phoenix, AZ. The current annual cost to operate the call center is about \$775,000. As a result of this process, the City will save about \$325,000 annually.

Councilmember Gabriel Sterling stated the City has been doing five year contracts. Will this be a 3 ½ year contract?

City Manager McDonough responded no. The base task order will be for six months and then after that will be five full year terms of one year task orders. A contract is issued, but if there is a problem with this company, there is another company that is prequalified to provide these services. The City would then put out a request for proposals, if not satisfied with this service.

Councilmember Sterling asked if the City is fine with taking this agreement off cycle from the other items the City bids out.

City Manager McDonough stated this has been done in other cases in order to sync agreements up to work with the City's fiscal year.

Councilmember Karen Meinzen McEnerny stated in the current contract during non-business hours CH2M HILL always has a remote call center answering the calls. If both firms are remote, she expects they will provide 24/7 call center coverage with their employees.

City Manager McDonough responded yes.

Councilmember John Paulson asked if there were any transition concerns for the new company to take over by January 1, 2014.

City Manager McDonough stated the startup date was specified in the RFP's. This was timed in a manner so there will be enough time to go live on January 1st.

Mayor Galambos asked if the new call center employees will be trained.

City Manager McDonough stated the communications staff and Assistant City Manager Freeman will coordinate on the knowledge base and expectations that the City has.

Councilmember Sterling asked if callers will be assigned a call tracking number.

City Manager McDonough responded yes.

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 13-213, the recommendation for RFP CC-FY14-01, Call Center Services for the City of Sandy Springs, to award contracts to Faneuil and CH2M Hill, and to execute the base six (6) month task order authorizing Faneuil to perform Call Center Services. Councilmember Meinzen McEnerny seconded the motion. The motion carried unanimously.

(Agenda Item No. 13-214)

3. Consideration of Resolution to Authorize City Participation by the City of Sandy Springs in a Regional Application Submission under the FY2013 Assistance to Firefighters Grants Program to the Federal Emergency Management Agency

City Manager John McDonough stated the City is in the process of working with the cities of Roswell, Alpharetta, and Milton for a regional radio system. In refreshing the equipment, the City wants to take advantage of the capabilities the system will provide. The TDMA technology allows the transmission of data that will help improve public safety services to the community. Extra criteria points are received if this is done as a group on a regional basis. All four cities will require upgrades of the portable radios and the radios in the vehicles. There has been success in the past with the Assistance to Firefighters Grants Program. The grant has been discussed by the Board of Directors at the North Fulton Regional radio system and the Board recommended the cities jointly make an application grant of up to \$2 million. This money will help all four cities on a proportional basis for their share of the ownership of the radio system and to upgrade the radios going forward.

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 13-214, a Resolution to Authorize City Participation by the City of Sandy Springs in a Regional Application Submission under the FY2013 Assistance to Firefighters Grants Program to the Federal Emergency Management Agency. Councilmember Meinzen McEnerny seconded the motion. The motion carried unanimously.

Resolution No. 2013-11-77

(Agenda Item No. 13-215)

4. Consideration of Acceptance by Mayor and City Council of the 2013 Traffic Calming Manual

Director of Public Works Garrin Coleman stated on October 15th this item was before Council at a Work Session to discuss proposed changes to the traffic calming policy. The final document was given to each Councilmember this evening. There was a Scriveners error on page 2 of the written document in Section 2.1 e. which states a score will be developed for the request. The second sentence will be removed from the paragraph since there is no score being developed. Since the Work Session meeting elements have been added in Sections 4.2 b, 4.3, and 4.4. Section 4.2 b discusses alternative measures which address any items that staff has not thought of. Section 4.3 defines that no neighborhood can develop anything in the right-of-way without City approval. Section 4.4 addresses project funding and anything in this section will be 100% funded by the neighborhood. The policy was advertised on the City website and was sent to the Public Safety and Communications Departments. Staff received feedback from the neighborhoods which are in support of the changes. A question was brought up about the 50% cost share. He is not inclined to change that number at this time.

Councilmember Gabriel Sterling asked if the City will make neighborhoods pay 100% for the radar speed feedback signs.

Director of Public Works Coleman responded yes, that is the recommendation.

City Manager John McDonough stated the radar speed signs are typically meant to be on arterial and collector roads. That was the City's policy and that is why the City has paid 100% of the costs for the signs.

Director of Public Works Coleman stated the radar speed signs can be placed on roads with a speed limit of 35 m.p.h. or above.

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 13-215, Acceptance by Mayor and City Council of the 2013 Traffic Calming Manual. Councilmember Collins seconded the motion. The motion carried unanimously.

Resolution No. 2013-11-78

REPORTS

1. Mayor and Council Reports
2. Staff Reports

PUBLIC COMMENT

Susan Yeosock, 785 Lake Summit Drive, stated she is in attendance on behalf of Lake Forrest Summit Community Association. She thanked staff for using the emergency procurement process for the hill stabilization on Lake Forrest Drive and the reduced work hours during construction. The repair will be a netting system. Two of the three homeowners have agreed to the netting system on their properties.

Assistant City Manager Bryant Poole stated the homeowners are agreeable to discussing the netting encroaching onto their properties.

Ms. Yeosock asked if the project will proceed even if the third property owner does not agree to the encroachment.

Assistant City Manager Poole stated the discussions with the three property owners are separate independent discussions.

Jack Haylett, 170 Windsor Cove, stated in the Work Session Council will be discussing making the implementation of the City street network. He represents Branch Properties, who is the owner of the CityWalk Development. His company is in discussions with the City Manager and Assistant City Manager Poole about redeveloping a good portion of the City Center. This is a slow process and he has been in discussions with the retailer on that site. The City's plan shows a road going straight through the property and then another road bisecting the property. If Branch Properties tries to redevelop the property, he understands the roads may need to be dedicated to the City to accomplish the City street network. If the retailer is told the shopping carts will have to be located across the road, it will not happen and Branch Properties will not receive the approval. Sandy Springs wants to create a grid and walkable community. He encourages the City to not place a hard rule on every redevelopment in the City. If that occurs, it may stifle development. Branch Properties wants to redevelop the block of property, but his company is also fine with not moving forward with redevelopment. If approval from the various companies is not received for the City streets to be placed in this location, the City would have to move forward with eminent domain.

Steven Cadranel, 4020 Charwood Trace Marietta, GA, stated his office is located at 800 Mt. Vernon Hwy in Sandy Springs. He is the owner of the property on the north side of Allen Road to Cliftwood. He acquired that property for the purpose of being the catalyst of redevelopment in the City. He has concerns

regarding the City Center street network and what it will mean to the redevelopment of his property, the continuation of that system through existing shopping centers, and existing retailers that are assets to the community. He embraces the idea of a walkable Sandy Springs. His property has a high walkability rating and would he like to be a catalyst for better development in the City.

City Manager John McDonough stated this is starting the process of the City Center street network. Council has adopted this plan and it is obviously a matter of great importance. During the Work Session following this meeting Council will be discussing the starting of this process and how it might work. Council will take into consideration the concerns and issues that have been raised by current property owners this evening.

Jack Misiura, 137 Angus Trail, stated he echoes the comments of the two previous speakers. He lives next to the City Center area. He has a personal interest in seeing a walkable City Center area. He has concerns of how the street network plan will be implemented and if it will have an adverse effect on the redevelopment of the City Center.

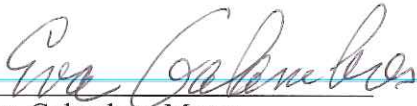
EXECUTIVE SESSION – Litigation and Real Estate


There was no Executive Session held.

ADJOURNMENT

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Sterling seconded the motion. The motion carried unanimously. The meeting adjourned at 8:28 p.m.

Date Approved: December 3, 2013


Eva Galambos, Mayor


Michael Casey, City Clerk